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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,374	07/24/2003	Amit Raikar	200309162-1	2448

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EXAMINER

SONG, HOSUK

ART UNIT PAPER NUMBER

2135

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/627,374	<b>Applicant(s)</b> RAIKAR ET AL.	
	<b>Examiner</b> HOSUK SONG	<b>Art Unit</b> 2135	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-9 and 12-27 is/are rejected.
- 7) ☒ Claim(s) 2,5,10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,3-4,6-9,12-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Shanklin et al.(US 6,578,147).

Claims 1,4: Shanklin disclose determining a location for a deployed intrusion detection sensor of the intrusion detection system wherein the sensor is enabled to monitor communication in a portion of network in (fig.1). Shanklin disclose deploying intrusion detection sensor in location of the network and tuning intrusion detection sensor to an appropriate level of awareness of content in communication network in (col.3,lines 55-65). Shanklin disclose prioritizing response generated by intrusion detection sensor to achieve an appropriate response to a detected intrusion in the network and configuring intrusion response mechanisms in the network to achieve an appropriate response by mechanisms in (col.4,lines 54-67).

Claims 3,9: Shanklin disclose network comprises communication protected by a firewall in (col.1,lines 19-26).

Claim 6: Shanklin disclose enabling the intrusion detection sensor to scale a response to a determined level of threat posed by an intrusion in (col.4,lines 54-67;col.5,lines 1-11) .

Claim 7: Shanklin disclose network is a provisionable network in (fig.1,2).

Claim 8: Shanklin disclose provisional network comprises a utility data center in (fig.1,2).

Claim 12: Shanklin disclose a network server and a pool of resources coupled with server for employment by a client in (fig.1,2). Shanklin disclose a resource management system for managing resources and an intrusion detection system enabled to detect and respond to an intrusion in the network in (fig.3 and col.3,lines 55-65).

Claim 13: Shanklin disclose provisional network comprises a utility center in (fig.1).

Claim 14: Shanklin disclose intrusion detection system comprises an intrusion detection sensor in (fig.1,2).

Claim 15: Shanklin disclose intrusion detection sensor is tunable to determine a threat level posed by a detected intrusion in (col.4,lines 54-61).

Claim 16: Shanklin disclose intrusion detection system is tunable to generate a response appropriate to threat level of detected intrusion in (col.4,lines 54-67;col.5,lines 1-7).

Claim 17: Shanklin disclose response comprises an alarm in (col.4,lines 59-61).

Claim 18: Shanklin disclose response comprises a lockout of a portion of the network in (col.4,lines 58-59).

Claim 19: Shanklin disclose a network device comprising intrusion detection software the device communicatively coupled with a provisional network and trust hierarchy, comprising a portion of network and enabled to communicate with software and to cause evaluation of a detected intrusion in (fig.1 and col.3,lines 55-65). Shanklin disclose a deployable,tunable, intrusion detection sensor and a network device enabled to generate a response to a detected intrusion in (col.4,lines 54-67;col.5,lines 1-7 and fig.1).

Claim 20: Shanklin disclose network comprises a utility data center in (fig.1).

Claim 21: Shanklin disclose provisional network comprises a resource pool in (fig.1).

Claim 22: Shanklin disclose provisional network comprises a resource manager in (fig.1,2).

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Claim 23: Shanklin disclose provisional network comprises a network intrusion detection system in (fig.2).

Claim 24: Shanklin disclose providing a deployable intrusion detection probe is accomplished in the network intrusion detection system in (fig.5,6 and col.3,lines 55-65).

Claim 25: Shanklin disclose generating an alert based on the detection of intrusion is accomplished in the network intrusion detection system in (col.3,lines 55-65).

Claim 26: Shanklin disclose trust hierarchy is configurable in (col.6,lines 9-46).

Claim 27: Shanklin disclose generating a response comprises initiating a lockout of a portion of the network in(col.4,lines 54-61).

***Allowable Subject Matter***

Claims 2,5,10,11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***USPTO Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOSUK SONG whose telephone number is 5712723857. The examiner can normally be reached on mon-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM VU can be reached on 5712723859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**HOSUK SONG**  
PRIMARY EXAMINER